II. REMARKS

1. Claims 1, 12, 13, 15, 20-42, and 51-115 remain in the application.

2. Applicants respectfully submit that claims 1, 42, 51, 59, 60, 70-72, 85, 86, and 109-113 are not anticipated by Forslow (US 2003/0039237) under 35 USC 102(e).

Forslow fails to disclose or suggest operating a mobile execution environment to gather from an application program a set of requirements for a bearer service to be selected for use in communication between the application program and a mobile network, as recited by claims 1 and 113.

Forslow also fails to disclose or suggest an application execution environment arranged to gather from an application program a set of requirements for a bearer service to be selected for use in communication between the application program and a mobile network, as recited by claim 42.

Forslow is directed to a communication system in which an application running on a mobile station or an external network entity such as an Internet service provider may specify on an individual application flow basis a requested quality of service. From that requested quality of service, an optimal type of bearer to transfer the application flow through the mobile communications network is determined (see abstract, lines 1 to 6).

When a mobile terminal implemented according to Forslow registers with the mobile communication network to establish

communication with an external network entity such as an Internet service provider (ISP), an application may initiate different data streams or flows between the mobile terminal and the external network entity (paragraph 0023, lines 1 to 7). For each application data flow, a determination is made whether a circuit-switched or packet-switched bearer should be established (paragraph 0023, lines 7 to 9). According to Forslow, each application flow may have a corresponding quality of service request (paragraph 0024, lines 1 & 2). Based on this quality of service requirement, a determination is made whether a circuit-switched or a packet-switched bearer is better suited to transport the application flow (paragraph 0024, lines 2 to 5). The quality of service parameters specified by the application for an individual application flow are mapped to corresponding quality of service parameters for the selected one of the circuit-switched or packet-switched bearers (paragraph 0024, lines 5 to 9). In a particular embodiment, Forslow provides a bearer selection and quality of service mapping layer which selects for each application flow at the IP layer the best suited one of a circuit-switched bearer and a packet-switched bearer (paragraph 0067, lines 4 to 8, and Figure 7).

In contrast, the mobile terminal device as claimed in the present application includes an application execution environment for executing application programs provided by a manufacturer of the mobile terminal or third party manu-facturers, the application execution environment being arranged to gather from an application program a set of requirements for a bearer service to be selected for communication between the application program and a mobile network.

It should be appreciated that the application execution environment of the present application and the mapper disclosed by Forslow provide significantly different functionality and cannot be equated. In particular, and as would be well known to a person of ordinary skill in the art, the term "application execution environment" as used in the claims of the present application refers to a specific type of standardised execution environment for a mobile terminal device that allows applications to be developed independently of the particular software platform implemented in the device (see, for example, 3G Partnership Project (3GPP) specification TS 22.057 "Mobile Execution Environment (MexE)"). Forslow's mapper is not this kind of application execution environmnet and while it does play a role in the selection of bearer services for individual application flows, it does not provide applications with any degree of independence from the underlying platform of the terminal device. At least Forslow's disclosure is completely silent on this topic and cannot therefore be considered to provide any direct teaching or suggestion that would anticipate the invention as claimed in the present application.

At least for these reasons, Applicants respectfully submit that Forslow fails to anticipate independent claims 1, 42, and 113, and dependent claims 51, 59, 60, 70-72, 85, 86, and 109-112.

3. Applicants respectfully submit that claims 12, 13, 15, 20, 52-58, 61-69, 73-108, 114, and 115 are patentable over the combination of Forslow and Olofsson et al. (US 6,647,265 "Olofsson") under 35 USC 103(a).

Claims 12, 13, 15, 20, 52-58, 61-69, and 73-108 depend from claims 1 or 42.

Claims 12, 13, 15, 20, 52-58, 61-69, and 73-108 depend from claims 1 or 42.

3.1 Olofsson fails to disclose or suggest the features missing from Forslow, that is, operating a mobile execution environment to gather from the application program a set of requirements for a bearer service to be selected for use in communication between the application program and the mobile network, as recited by claim 1.

3.2 Olofsson also fails to disclose or suggest an application execution environment arranged to gather from an application program a set of requirements for a bearer service to be selected for use in communication between the application program and a mobile network, as recited by claim 42.

Olofsson discloses how "a user's requirements" for a quality of service (QoS) may be provided to a computer or a computer application which then negotiates with the bearer (column 1, lines 24-27). In contrast, in the present invention, bearer service requirements are gathered from application programs by the application execution environment, which then conducts bearer service negotiation with the mobile network.

It is the Applicant's view that claims 12, 13, 15, 20, 52-58, 61-69, and 73-108 are both novel and non-obvious in view of the arguments presented above concerning the disclosure of Forslow, since they all refer back to independent claims 1 or 42 which are rejected for lack of novelty with respect to Forslow alone. Therefore, establishing the novelty of independent claims 1 and 42 with respect to Forslow is sufficient to render all of claims 12, 13, 15, 20, 52-58, 61-69 and 73 to 108 both novel and non-obvious.

3.3 The combination of Forslow and Olofsson fails to disclose or suggest operating an application execution environment to gather, or an application execution environment arranged to gather, from an application program a set of requirements for a bearer service to be used in communication between the application program and the mobile network and to perform bearer service negotiation with the mobile network, as recited by claims 114 and 115, for all the reasons argued above.

Applicants are unsure why the Examiner chose to reject these claims based on the rejection of claim 75 with respect to the combination of Forslow with Olofsson. More specifically, claim 75 refers to performing a "renegotiation phase", while independent claim 114 concerns performing a "bearer renegotiation phase" and, together with claim 115, which is dependent upon it, cannot be rejected on the basis of the arguments put forward with respect to claim 75.
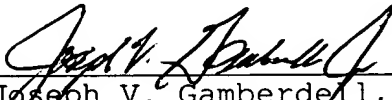
The Applicant therefore respectfully requests reconsideration of claim 114 and 115.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of $1,020.00 is enclosed for a 3 month extension of time.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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